

ROBERT HAWKINS #131159
CHAPTER 7 TRUSTEE
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(559) 255-0555

Chapter 7 Trustee

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In the matter of

Case No. 11-13301-A-7F

NICHOLAS ALVARADO and
TIFFANY ALVARADO,

DC No. RHT-1

TRUSTEE'S MOTION TO SELL
PERSONAL PROPERTY AND
SURCHARGE DEBTORS' EXEMPTION
11 U.S.C. §363

Debtors.

Date: November 16, 2011
Time: 9:00 a.m.
Dept: A

Robert Hawkins, Chapter 7 Trustee herein, moves the Court as follows:

1. He is the duly appointed and acting Chapter 7 Trustee for the estate of Nicholas and Tiffany Alvarado.

2. Among the assets of this estate is a 2004 Chevrolet Colorado with a fair market value of approximately \$4,000.00.

3. The Trustee has received an offer from the debtors, Nicholas Alvarado and Tiffany Alvarado to purchase the above-described vehicle for the sum of \$4,000.00.

4. The Trustee is in possession of funds from a probate estate in which the debtors have an allowed exemption in the amount of \$17,262.63. The debtors have agreed to allow the estate to retain the sum of \$4,000.00 from the exemption to purchase the 2004 Chevrolet Colorado.

5. The Trustee is seeking a surcharge of the debtors' exemption in the sum of \$4,000.00 to purchase the above-described vehicle from the bankruptcy estate.

6. In deciding to accept the proposed offer, the Trustee took into consideration the condition and fair market value of the vehicle and the costs associated with taking possession of, storing, and selling the vehicle at auction. The Trustee does not believe that the estate would net a higher amount from an auction sale of the vehicle.

7. The Trustee believes that sale of the above-described property on the terms set forth above is in the best interest of the creditors of this estate and all parties in interest.

WHEREFORE, Movant prays as follows:

1. For an Order authorizing the Trustee to sell a 2004 Chevrolet Colorado to the debtors;

2. For an Order authorizing the Trustee to surcharge the debtors' exemption in the amount of \$4,000.00 to purchase the above-described vehicle;

2. For other such relief as the Court deems appropriate.

DATED: OCTOBER 19, 2011

/S/Robert Hawkins
ROBERT HAWKINS,
Chapter 7 Trustee